

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:09-cr-219-01

v.

HONORABLE PAUL L. MALONEY

DEMORERAY JACKSON

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant DeMoreray Jackson has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

The defendant, however, is not eligible for a sentence modification. He was sentenced on June 7, 2010, to the then mandatory minimum of 120 months. The Fair Sentencing Act of 2010 was enacted and became effective on August 3, 2010. The defendant was sentenced for his crime under the penalty provision that was in place at the time he was sentenced. 1 U.S.C. § 109;

United States v. Finley, No. 10-3672, 2012 WL 2505630, at *4-6 (6th Cir. June 29, 2012);

United States v. Allen, No. 10-5914, 2012 WL 3038171, at *1 (6th Cir. July 26, 2012); see *also*

United States v. Carradine, 621 F.3d 575, 580 (6th Cir. 2010) Accordingly,

IT IS HEREBY ORDERED that Defendant DeMoreray Jackson's motion for appointment of counsel and for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 60) is **DENIED**.

Date: September 26, 2012

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge